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August 25, 2009

VIA FEDERAL EXPRESS & ELECTRONIC MAIL

Dennis Rankin
USDA, Rural Development Utilities Programs
Mail Stop 1571, Room 2244-S
1400 Independence Ave, SW
Washington, DC 20250
dennis.rankin@wdc.usda.gov

Re: RUS NEPA Scoping Meetings
San Luis Valley-Calumet-Comanche Transmission Project

Dear Dennis,

It was a pleasure meeting you in person last week at the NEPA scoping meetings in Pueblo, Colorado relating to the Tri-State San Luis Valley-Calumet-Comanche transmission line project. As you know, I am one of the environmental lawyers representing a landowner whose property (Trinchera Ranch) will be directly affected by the proposed line. I was encouraged by the large amount of public participation in the NEPA scoping process for the proposed project, and hope that the public focus, reaction, and comment to the project will assist RUS to effectively direct Tri-State during its environmental review process, for the benefit of all.

B-037-001

Most importantly, I wanted to make you aware of an incident that occurred at the Pueblo meeting that is concerning to me and directly threatens the spirit of NEPA and required public nature of the scoping process. After you and I chatted, I moved on to the adjacent Tri-State display where a public attendee was asking general questions about the impact of the proposed line, including what its capacity might be, what type of electric power it would be transmitting, whether it would carry solar power, and whether solar power was currently being transmitted out of the San Luis Valley area. Before the Tri-state staffer would respond, the staffer turned to me and told me that if I was a lawyer representing a landowner in the vicinity of the project that I was not allowed to "listen" to the public comment and question discussion between Tri-State and the attendee—and that I should leave. He informed me that Tri-State's legal counsel had advised that I not be allowed to "eavesdrop" on any conversations Tri-State held with members of the public, and that the staff should ask me to leave if I was found listening to such public discourse. This effectively barred me from participating in any public discussion concerning the NEPA scoping process or the project itself, therefore I left the meeting.

B-037-002

Obviously, this type of behavior from Tri-State is in direct contradiction to the intent of NEPA, and particularly to the regulatory intent of the public scoping process. It further suggests there is

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B-037-001: NEPA Process (In Review)

Your email/letter/comment form has been received and your comment noted. Tri-State Generation and Transmission Association, Inc. has requested financial assistance from the USDA Rural Utilities Service (RUS), for their anticipated ownership interest in the proposed San Luis Valley – Calumet - Comanche Transmission Project. RUS has determined that funding Tri-State's ownership interest is a federal action requiring analysis under the National Environmental Policy Act (NEPA).

RUS is the lead federal agency for NEPA, and will consult with other federal, state, and local agencies, and affiliated tribes as well as adhere to applicable regulations.

Additional information regarding the NEPA process can be found on the RUS project website at <http://www.usda.gov/rus/water/ees/enviro.htm>. The Environmental Impact Statement is anticipated to be completed in late 2010 and will be available at <http://www.usda.gov/rus/water/ees/ea.htm>.

B-037-002: NEPA Process (In Review)

Your email/letter/comment form has been received and your comment noted. Tri-State Generation and Transmission Association, Inc. has requested financial assistance from the USDA Rural Utilities Service (RUS), for their anticipated ownership interest in the proposed San Luis Valley – Calumet - Comanche Transmission Project. RUS has determined that funding Tri-State's ownership interest is a federal action requiring analysis under the National Environmental Policy Act (NEPA).

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August 25, 2009
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B-037-002 indeed significant public controversy concerning the environmental review of this project. I urge you to address this incident with Tri-State and consider appropriate remediation as necessary.

B-037-003 Understanding that it is premature for RUS to determine the appropriate level of environmental review prior to its review of the project's public comments, corridor alternatives analysis, and impacts, the clear controversy relating to Tri-State's expected level of environmental impacts versus the public's perceived level of impacts establishes that a thorough siting process has not been followed, as is required, indicating that an EA may not be appropriate for this project. I am confident that RUS will adhere to the NEPA process, and recognize that we are early in this review process, but I would like to reiterate on behalf of my client that although it may have been unusual for typical RUS-funded transmission line projects in the past, an EIS appears to be most appropriate for this controversial project. In that regard, we would also request an additional 30 days to review the new information learned at the scoping meetings and to prepare written comments pursuant to NEPA. Lastly, when we spoke over the phone in July you indicated that RUS would likely conduct a site visit, during the scoping process, of the preferred and alternative corridors considered by Tri-State per the RUS Scoping Guide Bulletin 1794A-603; were you able to do so while out here in Colorado?

B-037-004

B-037-005

We will be following the NEPA process closely, and look forward to participating in the public aspects of the process as you progress. Please include this letter as part of the Administrative Record for this matter. Again, it was a pleasure meeting you and I hope to speak to you soon regarding the issues raised in this letter and the environmental impacts of this project.

Very truly yours,



Rebecca L. Almon

Cc: Timothy J. Flanagan
Timothy R. MacDonald
Matthew J. Douglas
Russell W. Kemp
Thomas Dougherty
Gregory Sopkin

684016-1

IRELAND STAPLETON PRYOR & PASCOE, PC

B-037-003: NEPA Process (In Review)

Your email/letter/comment form has been received and your comment noted. Tri-State Generation and Transmission Association, Inc. has requested financial assistance from the USDA Rural Utilities Service (RUS), for their anticipated ownership interest in the proposed San Luis Valley – Calumet - Comanche Transmission Project. RUS has determined that funding Tri-State's ownership interest is a federal action requiring analysis under the National Environmental Policy Act (NEPA).

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Additional information regarding the NEPA process can be found on the RUS project website at <http://www.usda.gov/rus/water/ees/envIRON.htm>. The Environmental Impact Statement is anticipated to be completed in late 2010 and will be available at <http://www.usda.gov/rus/water/ees/ea.htm>.

B-037-004: Public Involvement Process (In Review)

Your email/letter/comment form has been received and your comment noted. The project is in the planning and environmental review stages. Current project information will be available on the RUS project website, <http://www.usda.gov/rus/water/ees/ea.htm> and the Utilities' project website, <http://www.socotransmission.com/>.

The Environmental Impact Statement is anticipated to be completed in late 2010 and will be available at <http://www.usda.gov/rus/water/ees/ea.htm>.

B-037-005: NEPA Process (In Review)

Your email/letter/comment form has been received and your comment noted. Tri-State Generation and Transmission Association, Inc. has requested financial assistance from the USDA Rural Utilities Service (RUS), for their anticipated ownership interest in the proposed San Luis Valley – Calumet - Comanche Transmission Project. RUS has

Rankin, Dennis - Washington, DC

From: Rebecca L. Almon [ralmon@irelandstapleton.com]
Sent: Tuesday, August 25, 2009 4:34 PM
To: Rankin, Dennis - Washington, DC
Subject: NEPA Scoping for Tri-State proposed San Luis Valley-Calumet-Comanche Transmission Project [1.FID461828]
Attachments: SKMBT_C25309082513190.pdf

Dennis-

Please see the attached letter regarding the NEPA scoping process for Tri-State's proposed transmission project in Colorado. Thank you.

<<SKMBT_C25309082513190.pdf>>

Becky Almon

Rebecca L. Almon
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9/8/2009

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